

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WAYDE LYNN KURT,

Defendant.

**Case Nos. CR-10-0114-WFN-1
CR-11-0161-WFN-1**

CRIMINAL MINUTES**DATE: MAY 10, 2012****LOCATION: SPOKANE**

**CONTESTED SENTENCING
HEARING --DAY 2**

		Hon. Wm. Fremming Nielsen		
Joanna L. Knutson	Brian T. Quirk	N/A	Debra Kinney Clark	
Courtroom Deputy	Law Clerk	Interpreter	Court Reporter	
Stephanie A. Van Marter and Earl A. Hicks		Richard D. Wall		
Plaintiff's Counsel		Defendant's Counsel		
United States Probation Officer: Gloria M. Petretee				

☒ **Open Court**☐ **Chambers**☐ **Telecon**

Defendant present in custody of United States Marshal, with counsel. Initial comments by Court noting that at the conclusion of yesterday's hearing, the Court had expressed its inclinations on Defendant's objections to the PSR, confirmed Defendant had the opportunity to review the PSR and had no further objections than those discussed by the Court.

Ms. Van Marter addressed the Court and moved for admission of Government Exhibits 1, 1a, 2, 3 and 4 and Exhibits A thru E of its Sentencing Memorandum. Court ruled that all Exhibits are ADMITTED for purposes of this sentencing hearing. Ms. Van Marter also addressed the Court requesting that the small silver recording device discussed during Mr. Kurt's testimony yesterday be turned over to the Government. Mr. Wall indicated that the defense does not have the device and does not know of its location.

Mr. Wall addressed the Court regarding some of its rulings on Defendant's Objections and with his recommendation for resolution; Mr. Hicks addressed the Court with the Government's recommendation for resolution; Defendant addressed the Court.

CR-10-0114-WFN-1**Imprisonment: 120 Months on Count 1SS****Supervised Release: 3 Years on Count 1SS**

**CONCURRENT to term in
CR-11-0161-WFN-1**

CR-11-0161-WFN-1

**36 Months on Count 2 and
36 Months on Count 6**

**To be served CONCURRENT to one another
BUT CONSECUTIVE TO CR-10-0114-WFN-1**

3 Years on Count 2 and**1 Year on Count 6**

**To be served CONCURRENT to one another
AND TO CR-10-0114-WFN-1**

CONVENED: 9:35 A.M.	ADJOURNED: 11:11 A.M.	TIME: 1:36 HR.	CALENDARED [N/A]
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Standard conditions plus special conditions:

- Mental health evaluation and treatment/counseling, if recommended
- Full financial disclosure to supervising Probation Officer as requested; no sale of assets without advanced permission from Probation Officer
- No obtaining any form of identification without advance approval from Probation Officer; you shall use no other name other than your true, legal name
- Search of person, vehicle and residence
- You shall not obtain, possess or rent a storage unit without prior permission from supervising Probation Officer
- You shall not possess any printing presses, equipment, machines, high quality paper, inks, chemicals, laminates, powdered pigments, computer hardware and software, computer disks, paper cutter, records and images relating to the production of counterfeit federal reserve notes and counterfeit identifications without the permission of your Probation Officer
- Cooperate in the collection of DNA as directed by Probation Officer

Special Assessment:	\$100.00	\$100.00 on each Count (\$200.00 Total)
Fine:	\$500.00	\$500.00 on each Count (\$1,000.00 Total)
Appeal Rights:	Given	Given

The Court GRANTS the Government's oral motion to dismiss Counts 1, 3, 4 and 5 of the Indictment in CR-11-0161-WFN-1.

Court GRANTS Government's oral motion to add an additional two special conditions to the Defendant's terms of supervised release: (1) Defendant shall not possess any taser and (2) he shall have no contact with the confidential informant / witness.